

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DO <b>DATE FILED: 5-2-12</b>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDRA GUZMAN,

Plaintiff,

vs.

NEWS CORPORATION, NYP HOLDINGS,  
INC., d/b/a THE NEW YORK POST,  
and COL ALLAN, in his official and  
individual capacities,

Defendants.

Civil No.: 09 CV 9323 (BSJ)(RLE)

**ORDER**

**WHEREAS**, on February 23, 2012, Defendants, through their counsel, personally served non-party Ebony Clark with a subpoena in accordance with Federal Rule of Civil Procedure 45, commanding her to appear for a deposition and to produce certain documents (the "Subpoena");

**WHEREAS**, the record before the Court demonstrates that Ms. Clark failed to comply with her Subpoena obligations, refuses to communicate with defense counsel and did not appear for her deposition;

**WHEREAS**, Defendants have moved this Court for an Order compelling Ms. Clark to comply with the Subpoena, for monetary sanctions, and for such other relief that this Court deems appropriate;

**WHEREAS**, during the conference held on April 17, 2012, this Court found that good cause exists to compel Ms. Clark to comply with the Subpoena; and

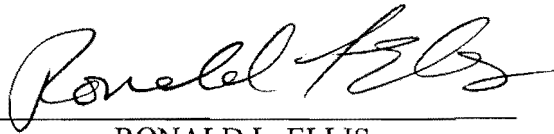
**WHEREAS**, Defendants used their best efforts to personally serve Ms. Clark on and prior to April 30, 2012, including attempting to personally serve Ms. Clark at her residence on multiple dates.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Ebony Clark shall appear to testify at a deposition to be held on May 8, 2012, at 10:00 a.m., at the law offices of Kasowitz,

Benson, Torres & Friedman LLP, 1633 Broadway, New York, NY 10019, and shall produce at that time all the documents described in the Subpoena, and

**IT IS FURTHER ORDERED** that Counsel for Defendants shall serve on Ms. Clark via e-mail, to [ebonyclark05@gmail.com](mailto:ebonyclark05@gmail.com), and via posting at Ms. Clark's residence, located at 668 E. 219<sup>th</sup> St., Bronx, New York, 10467, a copy of this Order by May 4, 2012.

**SO ORDERED** this 2<sup>nd</sup> day of May, 2012

  
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RONALD L. ELLIS  
UNITED STATES MAGISTRATE JUDGE